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## CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: October 4, 2004 Name: James A. Collins

Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Johann Karl et al.

Appln. No.: 09/890,442

Examiner: James Leslie Grun,  
Ph.D.

Filed: January 31, 2002

Art Unit: 1641

For: Assay for the Detection of N-Terminal  
proBNP

Attorney Docket No: 9793/73

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences in duplicate; check for \$340; Petition and Fee for Extension of Time (37 CFR 1.136(a) in duplicate.  
 Return Receipt Postcard

## Fee calculation:

No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$420 for a two-month extension of time under 37 C.F.R. § 1.136(a).  
 A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_\_).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity	
					Rate	Add'l Fee	or	Rate
Total		Minus			x \$9=		x \$18=	
Indep.		Minus			x 43=		x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=		+\$290=	
					Total	\$	Total	\$

## Fee payment:

A check in the amount of \$\_\_\_\_\_ is enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

October 4, 2004

Date

James A. Collins (Reg. No. 43,557)



hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313  
on October 4, 2003

Date of Deposit

James A. Collins

Name of applicant, assignee or  
Registered Representative

James A. Collins  
Signature  
October 4, 2003

Date of Signature

Case No. 9793/73

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Johann Karl et al.

Serial No.: 09/890,442

Examiner: James Leslie Grun, Ph.D.

Filed: January 31, 2002

Group Art Unit: 1641

For: Assay for the Detection of  
N-Terminal proBNP

**NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated May 4, 2004 of the Examiner finally rejecting Claims 20-73 and 75-141.

The item(s) checked below are appropriate:

10/08/2004 MAHMED1 00000020 231925 09890442

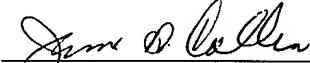
01 FC:1401

340.00 DP

1.  An extension of time to respond to the final rejection was granted on \_\_\_\_\_ for \_\_\_\_\_ month(s).
2.  A timely response to the final rejection has been filed, as provided in 841 O.G. 1411.
3.  Fee \$340 for a large entity.  
 Enclosed  
 Not required (Fee paid in prior appeal)  
 Charge to Deposit Account No. 23-1925 (One additional copy of this Notice enclosed herewith)  
 The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
4.  I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: October 4, 2004

  
\_\_\_\_\_  
James A. Collins  
Registration No. 43,557  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200